

### **Remarks**

In response to the Office Action requiring a restriction between claims as identified in Groups I, II and III on page 2 of the Office Action.

Confirming the telephone conversation with Examiner Cavallari on September 27, 2006, Applicant elects Group I (claims 1-21, 22-29 & 30-35 directed a backup power supply system classified in Class 307, Subclass 64).

This election is made without traverse.

In a telephone call to the undersign's office on December 6, 2006, Examiner Cavallari indicated that a verbal selection of the claim group referenced above during the September 27, 2006 conference would have to be supplemented by a written response. Examiner Cavallari also indicated the requirement for a two month extension of time was required.

However, the Office Action Summary, under the heading "period for reply" clearly states:

A shortened statutory period for reply is set to expire three month(s) or thirty (30) days, whichever is longer, from the mailing date of this communication. (emphasis in original).

Thus, by reference to the Office Action, the response was due on or before December 22, 2006. For this reason, Applicant is not submitting with this response an authorization to pay the requested two month extension of time.

However, despite the clear language of the Office Action, if the Examiner believes that Applicant had only one month to respond to the restriction requirement, the Office is authorized to provisionally charge Applicant's deposit account in accordance with the enclosed

authorization, pending appeal to the Commissioner.

In view of the above, it is submitted that the claims are in condition for allowance. An action on the merits is awaited.

Please charge any additional fee(s) to our Deposit Account No. 01-0265, if necessary.

Respectfully Submitted,

/W. Thad Adams, III/

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